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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

NORMAN CARVETH,  
Plaintiff,

vs.

ALLIS-CHALMERS CORPORATION  
PRODUCT LIABILITY TRUST, et al.,  
Defendants.

No. C 08-03314 SI

DECLARATION OF DAVID W.  
FERMINO IN SUPPORT OF MOTION TO  
REMAND CASE TO SUPERIOR COURT  
FOR THE COUNTY OF SAN  
FRANCISCO

Date: September 19, 2008  
Time: 9:00 a.m.  
Dept. 10 - 19<sup>th</sup> Floor

I, DAVID W. FERMINO, declare:

1. I am an attorney at law duly licensed to practice before the courts of the State of California and am a member of the firm of Brayton❖Purcell LLP, attorneys of record for plaintiff herein. I have personal knowledge of the following facts and, if called upon to do so, could and would competently testify thereto.

2. Plaintiff Norman Carveth filed his complaint in the California Superior Court, County of San Francisco on May 29, 2008. (Exhibit A to Notice of Removal.)

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1 3. Plaintiff's complaint alleged exposure to asbestos and asbestos containing products  
2 and specified both the time periods of exposure as well as the location. Virtually all exposure  
3 was alleged to take place at several locations while plaintiff was employed as a fueler and  
4 aircraft mechanic in the United States Navy from 1943 to 1947.

5 4. Defendant United Technologies Corporation filed its Notice of Removal on  
6 June 27, 2008.

7 5. In support of its Notice, defendant filed the Declarations of Allan J. Shiffler and  
8 William P. Ringo.

9 6. Defendant did not submit any non-testimonial evidence. Defendant provided no  
10 military specifications, regulations or other exhibits.

11 I declare under penalty of perjury that the foregoing is true and correct. Executed this 8<sup>th</sup>  
12 day of August 7<sup>th</sup>, 2008 at Novato, California.

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